1 2 3 4 5 6 7 8 9 10	Adam Hosmer-Henner, Esq. (NSBN 12779) Phil Mannelly, Esq. (NSBN 14236) Chelsea Latino, Esq. (NSBN 14227) McDONALD CARANO LLP 100 West Liberty Street, 10 th Floor Reno, NV 89501 (775) 788-2000 ahosmerhenner@mcdonaldcarano.com pmannelly@mcdonaldcarano.com clatino@mcdonaldcarano.com Benjamin J.A. Sauter (admitted pro hac vice) Amanda N. Tuminelli (admitted pro hac vice) KOBRE & KIM LLP 800 Third Avenue New York, NY 10022 (212) 488-1288 benjamin.sauter@kobrekim.com amanda.tuminelli@kobrekim.com		
11	Attorneys for Defendant Matthew Brent Goettsche		
12	UNITED STATES DISTRICT COURT		
13	DISTRICT OF NEVADA		
14 15	MINA DE ORO, LLC, a Nevada limited liability company; THE TOY CHEST, LLC a Nevada limited liability company,	CASE NO.: 2:20-cv-00994-CDS-VCF	
16 17	Plaintiffs, v.	DECLARATION OF ADAM HOSMER- HENNER IN SUPPORT OF DEFENDANT MATTHEW BRENT GOETTSCHE'S	
18 19 20 21 22	MATTHEW BRENT GOETTSCHE, an individual, JOBEDIAH SINCLAIR WEEKS, an individual, JOSEPH FRANK ABEL, an individual, SILVIU CATALIN BALACI, an individual, BITCLUB, an unknown entity, and DOE and ROE Corporations, Defendants.	MOTION TO DISMISS	
23 24	 I, Adam Hosmer-Henner, declare as follows: I am an attorney duly admitted to practice law in the State of Nevada, including 		
25	before the District Court of Nevada, a partner in the law firm of McDonald Carano LLP, and		
26	counsel for Defendant Matthew Brent Goettsche in the above-captioned matter.		
27	2. I submit this declaration in support of Mr. Goettsche's Motion to Dismiss.		
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- 3. Except as otherwise indicated, all statements in this Declaration are based upon my personal knowledge and experience, or upon my review of materials provided to me in connection with my representation of Mr. Goettsche. Insofar as they are within my own knowledge, the facts and matters set forth herein are, to the best of my own knowledge and belief, true.
- 4. Attached hereto as Exhibit A is a true and correct copy of the BitClub Network, Inc. ("BCN") Membership Agreement, as displayed to prospective members on its website.
- 5. Attached hereto as Exhibit B is a true and correct copy of BCN's Policies and Procedures, as displayed to members on its website.
- 6. Attached hereto as Exhibit C is a true and correct copy of correspondence sent by me to Plaintiffs' counsel on July 7, 2020 and July 10, 2020, notifying them that I represented Mr. Goettsche and could agree to waive service on behalf of Mr. Goettsche, subject to them sending me appropriate documentation. I did not receive a response to these emails.
- 7. I was not notified by Plaintiffs when they attempted to personally serve Mr. Goettsche in New Jersey (*see* ECF No. 14), nor when they filed their motion for entry of clerk's default (ECF No. 17).
- 8. As far as I am aware, Plaintiffs made no attempt to institute mediation or arbitration proceedings with Mr. Goettsche before filing this lawsuit. I am also not aware of any attempt by Plaintiffs to take such actions after the filing of this lawsuit.
- 9. Attached hereto as Exhibit D is a true and correct copy of the initial Motion to Dismiss filed by attorneys on behalf of Mr. Goettsche on March 23, 2021. ECF No. 21.
- 10. Attached hereto as Exhibit E is a true and correct copy of the Court's Order granting Mr. Goettsche's motion to dismiss, dated March 28, 2022. ECF No. 30 ("Dismissal Order").
- 11. Attached hereto as Exhibit F is a true and correct copy of the Opposition to Defendant Matthew Brent Goettsche's Motion to Dismiss as filed by Plaintiffs. ECF No. 28.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: May 2, 2022.

27 ||

/s/ Adam Hosmer-Henner
Adam Hosmer-Henner

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